

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAMIEN J. DAVIS,)	
)	
Petitioner,)	
)	
v.)	No. 4:15CV1443 HEA
)	
TROY STEELE,)	
)	
Respondent.)	
)	

OPINION, MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on petitioner's motion to proceed in forma pauperis. The Court will grant the motion. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Petitioner, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated in the Eastern Reception, Diagnostic and Correctional Center ("ERDCC") which is in the confines of the Eastern District of Missouri. Petitioner's conviction, however, arose in Boone County, which is in the confines of the Western District of Missouri.

The Eastern District of Missouri and the Western District of Missouri both have jurisdiction over the petition. *See* 28 U.S.C. § 2241(d). In such an instance as this, the Court may transfer the petition to the Western District "in furtherance of justice . . ." *Id.* Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri should be transferred to that district. *In re Business of the Court*, January 27, 1986. As a result, the Court will order that this case be transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **PROVISIONALLY GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 2241(d).

Dated this 23rd day of October, 2015.

A handwritten signature in black ink, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE